



IN THE UNITED STATES PATENT OFFICE

3722
#11/dfm
9-15-03
Pet to w/d
Aband.

Applicant: Stephen R. Welch

Serial No.: 09/852,996

Filed: 05/10/2001

For: Method And Apparatus For
Forming A Binder Cover And
A Ring Cover

PATENT APPLICATION

Examiner M. T. Henderson

Group Art Unit 3722

Dkt #4004022.0026

TECHNOLOGY CENTER R3700

AUG 07 2003

RECEIVED

Commissioner of Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

REQUEST FOR RECONSIDERATION
OF DECISION ON PETITION MAILED JULY 23, 2003

Dear Sir:

It is hereby requested that the denial of Applicant's Petition to Revive the subject application be reconsidered.

In the denial of the Petition no reference was made to the rationale surrounding the discussion with the Examiner and the logic behind the Examiner's desiring to withdraw the Official Action.

It is important to note that the Examiner's rejection resulted from the Examiner's lack of understanding of the patent laws and in deference to the Examiner that rather than pointing this out, which a writing would have required, it was implicitly understood, and in our view expressly agreed, that a new action complying with the patent laws would be rendered.

Specifically, as stated in the original Petition, the patent relied upon in rejecting the claims was the Applicant's previously issued U.S. Patent No. 6,394,729, which under the patent laws was not available as prior art and should never have been applied. Insofar as the Official Action was concerned, lacking this reference the application was in condition for allowance.

What has effectively occurred is that by allowing the original action to be ignored, and thus not bring about embarrassment to the Examiner, Applicant has been unduly penalized.

In the denial of the Petition reference is made that "no attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt" (emphasis supplied).

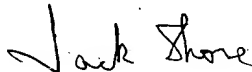
There was no disagreement or doubt about the inapplicability of the prior Welch U.S. Patent No. 6,394,729. When the question was raised the Examiner said he would look into it and after doing so called me back and said that I was correct and a new action would be forthcoming.

I realize that he subsequently did not recall stating that a new action would be issued but there can be no question about the clearly erroneous application of the Welch patent.

It is respectfully submitted that Applicant should be given the benefit of the doubt due to the logic of what occurred. As a former Examiner, I felt that Mr. Henderson would be better served if he issued a new action.

Accordingly, it is respectfully requested that the Decision on Petition be reconsidered and granted.

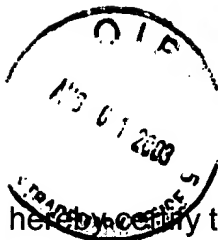
Respectfully submitted,



July 29, 2003

Jack Shore
Registration No. 17,551

Much Shelist
191 North Wacker Drive, Suite 1800
Chicago, Illinois 60606
(312) 521-2778 - Office
(312) 521-2878 - Facsimile



CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner of Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on July 29, 2003.

Carolyn R. Gutwaks

Carolyn R. Gutwaks

RECEIVED

AUG 07 2003

TECHNOLOGY CENTER R3700